

REMARKS

Claims 1 – 10, 12 – 19, 30 – 32 and 34 – 37 are pending; claims 12 – 19, 30 and 37 are allowed; claim 34 is objected to; and claims 1 – 10, 31, 32, 34, 35 and 36 are rejected. The Examiner rejects claims 1 – 10 and 35 under 35 U.S.C. §102(b) in view of U.S. Patent 1,067,609 issued to Hrabak (Hrabak), and rejects claims 1 – 10, 31, 32, 34, 35 and 36 under 35 U.S.C. §112.

The applicant amends claims 1, 31, 32 and 34 to address the Examiner's objection and rejection under 35 U.S.C. §112. The applicant respectfully disagrees with the Examiner's rejection of the claims 1 – 10 and 35 under 35 U.S.C. §102(b) in view of Hrabak and asserts that the claims, as amended, are in condition for allowance for the reasons discussed below.

The applicant has noticed inconsistencies in the status of claims 30, 36 and 37 expressed in the office action. The Examiner indicates on page 4 in the "Allowable Subject Matter" section that claim 30 is allowed but also indicates on page 5 in the "Response to Arguments" section that applicant's arguments for allowance of claim 30 in the response to the previous office action were not persuasive. While discussing this with the Examiner, the Examiner indicated that claim 30 is allowed.

Regarding claim 36, on page 3 the Examiner rejects claim 36 under 35 U.S.C. §112 but does not indicate why. Then, on page 4 in the "Allowable Subject Matter" section, the Examiner indicates that claim 36 would be allowable if rewritten to overcome the rejection. While discussing this with the Examiner, the Examiner indicated that claim 36 is rejected because it depends from a rejected claim (claim 31) and that overcoming the rejection to claim 31 would make claim 36 allowable.

Regarding claim 37, the Examiner implies that claim 37 is rejected under 35 U.S.C. §112 on page 4 in the "Allowable Subject Matter" section, but the Examiner does not reject claim 37. While discussing this with the Examiner, the Examiner indicated that claim 37 is allowable.

Rejection of Claims 1 – 10 and 35 under 35 U.S.C. §102(b)

The applicant has considered the Examiner's rebuttal against the applicant's argument that Hrabak does not anticipate the applicant's invention as recited in claim 1 because Hrabak fails to disclose a biasing member. The applicant respectfully disagrees with the Examiner's rebuttal and reasserts that Hrabak fails to anticipate the applicant's invention as recited in the amended claim 1 because Hrabak fails to disclose a biasing member that biases the music holding frame and legs toward a retracted position.

The applicant's claim 1, as amended, recites a biasing member linked to an arm and a leg, and operable to bias the arm and leg toward a retracted position.

For example, as shown in FIG. 3 and discussed in paragraphs 7, 8, 18, 22 and 28 of the specification, the collapsible support 10 includes two arms 12, two legs 14, and a biasing member 21 to bias the arms 12 and the legs 14 toward a retracted position (shown in FIG. 2). The biasing member 21 generates a force that biases or urges the arms 12 and legs 14 toward the retracted position. Thus, to move the arms 12 and legs 14 toward an extended position, one must overcome three types of opposing forces. One must overcome the force of friction generated between contacting parts that move relative to each other, for example friction between the inner tube 42 (FIG. 3) and the outer tube 43 (FIG. 3) as the tubes move relative to each other. One must overcome the force of inertia generated when one accelerates a mass, for example the inertia generated when one attempts to rotate the arms 12 and the legs 14 toward an extended position. And, one must overcome the bias force generated by the biasing member 21.

In addition, because the bias member 21 generates a bias force at all times, one must oppose the bias force to retain the arms 12 and legs 14 in an extended position. For example, the collapsible support 10 may include a lock mechanism 22 (FIGS. 1 – 3 and 6) that includes a lock pin 92 (FIGS. 3 and 6) and a lock portion 112 (FIG. 6) of an actuating slot 110 (FIG. 6) to retain the arms 12 and the legs 14 in an extended position.

In contrast, Hrabak fails to disclose a biasing member that biases the music holding frame and legs to either an extended or retracted position. Hrabak discloses a

music stand (shown in FIG. 1) that includes a music holding frame, legs (B in FIG. 1) and a main operating lever C to extend or retract the music holding frame and legs B. To move the music holding frame and legs B toward an extended position, one only needs to overcome two types of opposing forces. One must overcome the force of friction and the force of inertia. One does not have to overcome a bias force generated by a biasing member. Furthermore, to retain the music holding frame and legs B in an extended position, one does not have to oppose a bias force generated by a biasing member.

Therefore, unlike the applicant's claimed collapsible support, Hrabak's music stand does not include a biasing member that urges or biases the music holding frame and legs toward a retracted position.

Claims 2 – 10 and 35 are patentable by virtue of their dependences on claim 1 as amended.

Conclusion

Applicant respectfully requests the Examiner withdraw his rejection of claims 1 – 10, 31, 32, 34 and 35 in view of applicants' amendments and remarks and issue an allowance for these claims.

Should any additional fees be required, please charge them to Deposit Account No. 07-1897.

If the Examiner believes that a phone interview would be helpful, he is respectfully requested to contact the Applicants' attorney, John Janeway, at (425) 455-5575.

DATED this 22nd day of September 2003.

Respectfully submitted,
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